



JC68 Dec 6 2001 04 DEC 2001 PCT

PATENT
0020-4863P

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IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Tatsuo NAKADA et al. Conf. No.: 10 DEC 2001
SERIAL NO.: 09/831,598 GROUP: Legal staff
FILED: May 11, 2001 EXAMINER: Unassigned
FOR: AZEOTROPIC COMPOSITION OF 1,1,1,3,3-PENTAFLUOROPROPANE AND 1,1,1-TRIFLUORO-3-CHLORO-2-PROPENE PROCESS OF SEPARATION

PETITION UNDER 37 C.F.R. 1.181 REQUESTING ACKNOWLEDGMENT OF EARLIER DECLARATION FILING DATE

Honorable Commissioner of Patents
Washington, D.C. 20231

December 4, 2001

Sir:

This is a Petition under 37 C.F.R. § 1.181 requesting that the USPTO acknowledge that the Declaration/Power of Attorney form signed by the Inventors was filed on June 6, 2001.

A USPTO Communication dated November 2, 2001 (issued by Mr. Bryan Tung of the PCT Legal Office) (copy enclosed) states that upon the filing of a Petition under 37 C.F.R. § 1.181 submitting a copy of the stamped return postcard receipt for filing the Declaration/Power of Attorney form on June 6, 2001, the USPTO will reconsider changing the presently acknowledged filing date of the Declaration from July 17, 2001 to June 6, 2001. In accordance with this Communication, enclosed is a copy of the stamped return postcard receipt which indicates that along with the Letter filed June 6, 2001 (copy enclosed), the "Executed Declaration" was also filed. Therefore, it is requested that the USPTO issue an appropriate Communication confirming that the acknowledged filing

date of the Declaration will be changed in the official records to June 6, 2001.

If any additional questions arise concerning these matters, please contact Applicants' representative, Andrew D. Meikle, in the Washington Metropolitan area at the telephone number listed below.

No fees are required for the filing of this Petition as noted at page 2 of the USPTO Communication dated November 2, 2001.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____

Andrew D. Meikle
Reg. No. 32,868

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

ADM/bsh
enclosures: USPTO Communication of November 2, 2001
Letter filed June 6, 2001
Stamped postcard return receipt dated June 6, 2001



BOX PCT
PATENT
0020-4863P

IN THE U.S. PATENT AND TRADEMARK OFFICE

COPY

APPLICANT: NAKADA Tatsuo et al.
INTERNATIONAL APPL. NO.: PCT/JP99/06255
APPL. NO.: 09/831,598
Conf.: UNASSIGNED
FILED: May 11, 2001
FOR: AZEOTROPIC COMPOSITION OF
1,1,1,3,3-PENTAFLUOROPROPANE
AND 1,1,1,-TRIFLUORO-3-CHLORO-
2-PROPENE, PROCESS OF
SEPARATION AND PURIFICATION
USING THE SAME, AND PROCESS
FOR PRODUCTION OF 1,1,1,3,3-
PENTAFLUOROPROPANE AND PROCESS
FOR PRODUCTION OF 1,1,1-
TRIFLUORO-3-CHLORO-2-PROPENE

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

BOX PCT
Assistant Commissioner for Patents
Washington, DC 20231

June 6, 2001

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

- Executed Declaration and Power of Attorney.
- Original Photocopy
- The specification attached to the executed Declaration

and Power of Attorney is a true copy of the specification which was filed in the U.S. Patent and Trademark Office on May 11, 2001, including any amendments thereto (if applicable) filed on even date therewith.

The undersigned hereby declares that "Attorney Docket No. 0020-4863P" on page 1 of the attached inventors' Declaration corresponds to Appl. No. 09/831,598 filed on May 11, 2001 entitled "AZEOTROPIC COMPOSITION OF 1,1,1,3,3-PENTAFLUOROPROPANE AND 1,1,1,-TRIFLUORO-3-CHLORO-2-PROPENE, PROCESS OF SEPARATION AND PURIFICATION USING THE SAME, AND PROCESS FOR PRODUCTION OF 1,1,1,3,3-PENTAFLUOROPROPANE AND PROCESS FOR PRODUCTION OF 1,1,1-TRIFLUORO-3-CHLORO-2-PROPENE."

English language specification, claims, and Abstract with () sheets of drawings.

Applicant claims small entity status under 37 C.F.R. § 1.27.

Attached is a copy of Form PCT/DO/EO/905.

No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements (Form PCT/DO/EO/905). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the

filling of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

Applicant(s) hereby respectfully petitions for () month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.

The Government Filing Surcharge in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on May 11, 2001.

Submitted concurrently herewith **under separate cover** for recording is an Assignment.

A check in the amount of \$0.00 to cover the above-mentioned fees is enclosed.

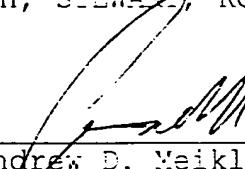
A Fee of \$0.00 to cover the increase in fees of the filing Surcharge is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Andrew D. Maikle, #32,868

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8100

ADM/cng
0020-4863P

Attachments

(Rev. 01/22/01)



NOV 02 2001

UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

COPY

Birch, Stewart, Kolasch & Birch, LLP
P.O. Box 747
Falls Church, VA 22040-0747

DOCKETED
Petition
1-202

In re Application of NAKADA et al
U.S. Application No.: 09/831,598
Int. Application No.: PCT/JP99/06255
Int. Filing Date: 10 November 1999
Priority Date: 13 November 1998
Attorney Docket No.: 0020-4863P
For: AZEOTROPIC COMPOSITION....

COMMUNICATION

This is in response to applicants' "Letter Submitting Additional Documents for Entering National Phase For a PCT Application" filed 06 June 2001 and "Letter" filed 17 July 2001.

BACKGROUND

On 10 November 1999, applicants filed international application PCT/JP99/06255, which claimed priority of an earlier Japan application filed 13 November 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 25 May 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 June 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 May 2001 (13 May 2001 was a Sunday).

On 11 May 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 June 2001, applicants filed a letter which states that it is accompanied by an executed declaration.

On 06 July 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 17 July 2001, applicants filed a letter which states that it is accompanied by a copy of the declaration purportedly filed on 06 June 2001.

DISCUSSION

A review of the application file indicates the absence of any declaration filed on 06 June 2001. The declaration filed 17 July 2001 is in compliance with 37 CFR 1.497 and thus is a proper response to the Notification of Missing Requirements mailed 06 July 2001.

CONCLUSION

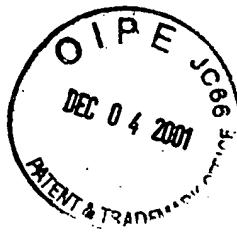
Based on the 17 July 2001 filing date of the declaration, the application has a date under 35 U.S.C. 371 of 17 July 2001. If applicants believe they are entitled to an earlier date, a response to this communication must be filed within TWO (2) MONTHS from the mail date of this letter. A proper response would be a petition under 37 CFR 1.181 to treat the declaration as having been filed on 06 June 2001 along with a copy of a stamped return postcard receipt. No petition fee is due.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

Bryan Tung
Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

COPY



Papers Filed herewith on: June 6, 2001 49
DOCKET NO.: 0020-4863P ATTY: ADM
APPLICANT(S): NAKADA, Tatsuo et al.
APPLN. NO: 09/831,598 FILED: May 11, 2001
PAT NO.: _____

New Application with Transmittal Letter
 Utility Design CIP PCT Provisional
 Filing Under 37 CFR 1.53(b) CONT DIV
 Filing Under 37 CFR 1.53(d) (CPA)
 Filing Under 37 CFR 1.114(RCE)
 Specification Consisting of: _____ pages
 Combined Declaration & Power of Attorney
 Assignment / Cover Letter
 Letter to Official Draftsman
 Drawings _____ Sheets Formal Informal Red-Ink
 Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
 Priority Document(s) / Cover Letter, No. Doc. _____
 Amendment:
 Transmtl Ltr Large Entity Small Entity
 Response _____
 Information Disc Stmtnt. PTO-1449(s) _____ ref(s)
 Notice of Appeal Appeal Brief
 Issue Fee Transmittal
 FEES: 40.00
 Letter: _____
 Other: _____

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: _____
Handcarry: _____

Papers Filed herewith on: June 6, 2001 50
DOCKET NO.: 0020-4863P ATTY: ADM
APPLICANT(S): NAKADA, Tatsuo et al.
APPLN. NO: 09/831,598 FILED: May 11, 2001
PAT NO.: _____

New Application with Transmittal Letter
 Utility Design CIP PCT Provisional
 Filing Under 37 CFR 1.53(b)
 Filing Under 37 CFR 1.53(d) (CPA)
 Filing Under 37 CFR 1.114(RCE)
 Specification Consisting of: _____ pages
 Combined Declaration & Power of Attorney
 Assignment / Cover Letter
 Letter to Official Draftsman
 Drawings _____ Sheets Formal Informal Red-Ink
 Completion of Filing Requirements, PCT/DO/EO/905
or Formalities Letter and Executed Declaration
 Priority Document(s) / Cover Letter, No. Doc. _____
 Amendment:
 Transmtl Ltr Large Entity Small Entity
 Response _____
 Information Disc Stmtnt. PTO-1449(s) _____ ref(s)
 Notice of Appeal Appeal Brief
 Issue Fee Transmittal
 FEES: 40.00
 Letter: _____
 Other: _____

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: July 11, 2001
Handcarry: _____

DOCKET NO. 0020-4863P